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7
8 **BEFORE THE**
BOARD OF REGISTERED NURSING
9 **DEPARTMENT OF CONSUMER AFFAIRS**
STATE OF CALIFORNIA

10 In the Matter of the Accusation Against:

Case No. 2009-238

11 **THEA MCKAY PETERS**
12 3128 Dodson Drive
East Point, GA 30344

A C C U S A T I O N

13 Registered Nurse License No. 433449

14 Respondent.
15

16 Complainant alleges:

17 **PARTIES**

18 1. Ruth Ann Terry, M.P.H, R.N. (Complainant) brings this Accusation solely
19 in her official capacity as the Executive Officer of the Board of Registered Nursing.

20 2. On or about October 31, 1988, the Board of Registered Nursing issued
21 Registered Nurse License Number 433449 to Thea McKay Peters (Respondent). The Registered
22 Nurse License was in full force and effect at all times relevant to the charges brought herein and
23 will expire on January 31, 2010, unless renewed.

24 **JURISDICTION**

25 3. This Accusation is brought before the Board of Registered Nursing, under
26 the authority of the following laws. All section references are to the Business and Professions
27 Code unless otherwise indicated.
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1 8. California Code of Regulations, title 16, section 1442, states:

2 "As used in Section 2761 of the code, 'gross negligence' includes an extreme
3 departure from the standard of care which, under similar circumstances, would have ordinarily
4 been exercised by a competent registered nurse. Such an extreme departure means the repeated
5 failure to provide nursing care as required or failure to provide care or to exercise ordinary
6 precaution in a single situation which the nurse knew, or should have known, could have
7 jeopardized the client's health or life."

8 9. Section 125.3 of the Code provides, in pertinent part, that the Board may
9 request the administrative law judge to direct a licensee found to have committed a violation or
10 violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation
11 and enforcement of the case.

12 **CONTROLLED SUBSTANCES**

13 10. **Demerol** is a Schedule II controlled substance as designated by Health and
14 Safety Code section 11055(c)(17) and is a dangerous drug pursuant to Business and Professions
15 Code section 4022.

16 11. **Percocet** is a Schedule II controlled substance as designated by Health and
17 Safety Code section 11055(b)(1)(N) and is a dangerous drug pursuant to Business and
18 Professions Code section 4022.

19 **FIRST CAUSE FOR DISCIPLINE**

20 **(Gross Negligence)**

21 12. Respondent is subject to disciplinary action under section 2761(a)(1) of
22 the Code, on the grounds of unprofessional conduct, in that on or about June 16, 2005, while on
23 duty as a registered nurse at Good Samaritan Hospital in San Jose, California, Respondent was
24 guilty of gross negligence, within the meaning of Title 16, California Code of Regulations
25 section 1442, when she assumed the care of Patient 1-AC.¹, in that she failed to document pain
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27 _____
28 1. Initials are used in order to preserve confidentiality. Full patient names will be
disclosed pursuant to a request for discovery.

1 levels before and after she administered pain medication to Patient 1-AC.

2 **SECOND CAUSE FOR DISCIPLINE**

3 **(Charting Errors)**

4 13. Respondent is subject to disciplinary action under section 2761(a) of the
5 Code, on the grounds of unprofessional conduct, as defined by section 2762(e) of the Code, in
6 that on or about June 16, 2005, while on duty as a registered nurse at Good Samaritan Hospital in
7 San Jose, California, she falsified, made grossly incorrect, grossly inconsistent, or unintelligible
8 entries in hospital and/or patient records in the following respects:

9 a. At 00:35 hours, Respondent withdrew 50 mg. Demerol injectable for
10 Patient 1-AC, but failed to chart the administration of the Demerol in Patient 1-AC's medical
11 record and failed to otherwise account for the Demerol.

12 b. At 00:39 hours, Respondent withdrew 2 tabs of Percocet-5 for Patient 1-
13 AC, but failed to chart the administration of the Percocet-5 in Patient 1-AC's medical record and
14 failed to otherwise account for the Percocet-5.

15 c. At 00:41 hours, Respondent withdrew 2 tabs of Percocet-5 for Patient 2-
16 JS, but failed to chart the administration of the Percocet-5 in Patient 2-JS's medical record and
17 failed to otherwise account for the Percocet-5.

18 d. At 02:08 hours, Respondent withdrew 2 tabs of Percocet-5 for Patient 2-
19 JS, but failed to chart the administration of the Percocet-5 in Patient 2-JS's medical record and
20 failed to otherwise account for the Percocet-5.

21 **PRAYER**

22 WHEREFORE, Complainant requests that a hearing be held on the matters herein
23 alleged, and that following the hearing, the Board of Registered Nursing issue a decision:

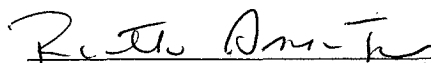
24 1. Revoking or suspending Registered Nurse License Number 433449, issued
25 to Thea McKay Peters.

26 2. Ordering Thea McKay Peters to pay the Board of Registered Nursing the
27 reasonable costs of the investigation and enforcement of this case, pursuant to Business and
28 Professions Code section 125.3;

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3. Taking such other and further action as deemed necessary and proper.

DATED: 4/7/09


RUTH ANN TERRY, M.P.H, R.N.
Executive Officer
Board of Registered Nursing
State of California
Complainant